

EXHIBIT G

Breslauer, Peter

From: Breslauer, Peter
Sent: Friday, May 19, 2023 9:38 PM
To: Jared Cherry (jared@pcfblaw.com)
Cc: Rizzo, Jessica
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Jared,

Valve appreciates your statement that “Nexon is investigating the feasibility of complying so that it can stop expending resources on this dispute.” Valve would like to stop expending resources on it as well and resolve the pending motion to quash without further litigation if possible. To be clear, however, Valve has, in good faith, narrowed its requests, such that the only documents it was seeking from Nexon America, Inc. (NAI) as of last week were NAI’s annual U.S. sales data for 2011-2023. Valve recognizes that you have directed Valve to the public investor relations materials on NAI’s parent corporation’s website for certain other information, but as we’ve explained, those publicly available materials do not break out U.S.-only information, which Valve reasonably needs because of the geographic market allegation in the current complaint. Valve also recognizes that, as set forth in the Joint Statement filed on May 9 (Dkt. # 29), NAI is prepared to provide a declaration that it did not produce documents in *In re: Google Play Store Antitrust Litig.*, No. 3:21-md-02981-JD (N.D. Cal.) and *Epic Games, Inc. v. Apple Inc.*, No.4:20-cv-05640-YGR (N.D. Cal.), or in government antitrust investigations or reviews within the past five years. Finally, as we discussed yesterday, any production to Valve would be accompanied by a declaration that they are produced from business records kept in the ordinary course.

On Tuesday, May 16, you stated that NAI would produce its revenue data for in-game purchases revenue and counts of game installations by registered users (excluding guest account use of CartRider) back to 2011. You stated that you would confirm that these numbers were U.S.-only. Yesterday, you reported that NAI had U.S.-only numbers only beginning in 2020, not for earlier years. In thinking it over, it occurred to us that NAI’s records, kept in the ordinary course, might be capable of readily filtering for U.S. sales based on recordation of sales tax paid to governmental authorities in the U.S. or that there may be address or location information in the payment records associated with this revenue that would identify U.S. transactions.

We therefore considered it a helpful suggestion to ask, as we did yesterday in our email below, “would there be transactional data that could isolate US sales, such as information regarding collection and remittance of sales tax or VAT, and address information with NAI or its payments servicer? It would seem necessary to know where the purchase is being made from in order to get the correct taxes paid, and to which state or country.” Responding to document requests by extracting information stored in electronic database records is routine in discovery.

Your response that Valve is, or has been promulgating a “list of demands for information [that] never seems [to] end” is just incorrect. On the contrary, Valve has reduced its requests to the point that it is only requesting U.S.-only data for 2011-2023. On hearing that U.S.-only data seemed to be available only for 2020-2023, we suggested what might be a means to identify it for 2011-2019. That is not a new demand for information. It is a suggestion of how NAI may fulfill the existing request.

We look forward to learning whether NAI can identify the U.S.-only data back to 2011.

Peter

Peter Breslauer
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From: Jared Cherry <jared@pcfblaw.com>
Sent: Friday, May 19, 2023 6:12 PM
To: Breslauer, Peter <pbreslauer@mmwr.com>
Cc: Rizzo, Jessica <JRizzo@mmwr.com>
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

****CAUTION** External Email**

Peter,

Nexon continues to be frustrated that the list of demands for information never seems ends. It is beyond dispute that a subpoena target "cannot be compelled produce documents that do not exist, as Rule 45 allows a party responding to a subpoena to produce documents as they are kept in the ordinary course of business." *United States v. Childs*, 2018 U.S. Dist. LEXIS 20058, *12 (W.D. Okla.) "Thus, if a requested document is not in the possession of a party or non-party, such person need not create the non-existent document." *Georgacarakos v. Wiley*, No. 07-cv-1712, 2009 U.S. Dist. LEXIS 34379, 2009 WL 924434, at *2 (D. Colo. Apr. 3, 2009) (citations omitted); *see also Insituform Techs., Inc. v. Cat Contracting, Inc.*, 168 F.R.D. 630, 633 (N.D. Ill. 1996) (Rule 45 "does not contemplate that a non-party will be forced to create documents that do not exist").

Despite these well-established principles, your most recent demanded is that Nexon attempt to synthesize information that suits Valve's purposes, without regard to how Nexon maintains documents in the ordinary course of business. Without waiving its objections, Nexon is investigating the feasibility of complying so that it can stop expending resources on this dispute.

Jared L. Cherry
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From: Breslauer, Peter <pbreslauer@mmwr.com>
Sent: Friday, May 19, 2023 1:50 PM
To: Jared Cherry <jared@pcfblaw.com>
Cc: Rizzo, Jessica <JRizzo@mmwr.com>
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Jared, anything to report?

Peter

From: Breslauer, Peter
Sent: Friday, May 19, 2023 11:16 AM
To: Jared Cherry <jared@pcfblaw.com>
Cc: Rizzo, Jessica <JRizzo@mmwr.com>
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Jared,

Following up here. Can you update us on your discussions with NAI yesterday afternoon?

Thanks.

Peter

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Philadelphia, PA 19103-7505
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From: Breslauer, Peter
Sent: Thursday, May 18, 2023 3:28 PM
To: Jared Cherry <jared@pcfblaw.com>
Cc: Rizzo, Jessica <JRizzo@mmwr.com>
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Sure. For in-game purchases, would there be transactional data that could isolate US sales, such as information regarding collection and remittance of sales tax or VAT, and address information with NAI or its payments servicer? It would seem necessary to know where the purchase is being made from in order to get the correct taxes paid, and to which state or country.

Happy to discuss.

Peter

From: Jared Cherry <jared@pcfblaw.com>
Sent: Thursday, May 18, 2023 3:23 PM
To: Breslauer, Peter <pbreslauer@mmwr.com>
Cc: Rizzo, Jessica <JRizzo@mmwr.com>
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

****CAUTION** External Email**

I have a discussion set with Nexon at 2:30. Can you briefly summarize via email?

From: Breslauer, Peter <pbreslauer@mmwr.com>

Sent: Thursday, May 18, 2023 12:58 PM

To: Jared Cherry <jared@pcfblaw.com>

Cc: Rizzo, Jessica <JRizzo@mmwr.com>

Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Jared,

We had another idea regarding the "2020" issue. I could meet at 2:30 Mountain if that works for you.

Peter

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From: Jared Cherry <jared@pcfblaw.com>

Sent: Thursday, May 18, 2023 12:38 PM

To: Breslauer, Peter <pbreslauer@mmwr.com>

Cc: Rizzo, Jessica <JRizzo@mmwr.com>

Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

****CAUTION** External Email**

Peter,

I apologize for my delay in getting back to you. I am available for the next 90 minutes (until 2:30 Eastern), or I am available after 4:30 Eastern today.

Thanks,

Jared

From: Breslauer, Peter <pbreslauer@mmwr.com>

Sent: Thursday, May 18, 2023 10:01 AM

To: Jared Cherry <jared@pcfblaw.com>

Cc: Rizzo, Jessica <JRizzo@mmwr.com>

Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Jared,

Following up here. Can we talk today?

Thanks.

Peter

Peter Breslauer
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From: Breslauer, Peter
Sent: Wednesday, May 17, 2023 5:31 PM
To: Jared Cherry <jared@pcfblaw.com>
Cc: Rizzo, Jessica <JRizzo@mmwr.com>
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Hi Jared,

Are you available to meet in the next half-hour, or tomorrow morning? Valve would like to move ahead with the offer that you discussed with us yesterday.

Thanks.

Peter

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From: Jared Cherry <jared@pcfblaw.com>
Sent: Monday, May 15, 2023 4:21 PM
To: Breslauer, Peter <pbreslauer@mmwr.com>
Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

****CAUTION** External Email**

Sorry, all of the times are Eastern. Please let me which date you prefer.

From: Breslauer, Peter <pbreslauer@mmwr.com>
Sent: Monday, May 15, 2023 2:17 PM

To: Jared Cherry <jared@pcfblaw.com>

Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Jared,

Yes on May 16 and 18 – but please let me know what time zone (I can do MT or ET). On May 17, 3:00 ET would work, but 3:00 MT probably would not.

Thanks.

Peter

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From: Jared Cherry <jared@pcfblaw.com>

Sent: Monday, May 15, 2023 4:13 PM

To: Breslauer, Peter <pbreslauer@mmwr.com>

Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

****CAUTION** External Email**

Peter,

Are you available for a discussion at any of the times listed below?

- 5/16 – Between 1:00 and 2:30 or after 4:30
- 5/17 – After 3:00
- 5/18 – Between 1:00 and 2:30 or after 4:30

Thanks,

Jared L. Cherry

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From: Jared Cherry <jared@pcfblaw.com>

Sent: Wednesday, May 10, 2023 2:02 PM

To: 'Breslauer, Peter' <pbreslauer@mmwr.com>

Subject: RE: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Thank you, Peter.

From: Breslauer, Peter <pbreslauer@mmwr.com>
Sent: Wednesday, May 10, 2023 10:24 AM
To: Jared Cherry (jared@pcfblaw.com) <jared@pcfblaw.com>
Subject: FW: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

Jared, below is Judge Coughenour's order stating that "The Court adopts the proposed briefing schedule" I note, however, that the date for Nexon's reply is set at June 5, not June 6 as proposed in the status report.

Peter

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From: ECF@wawd.uscourts.gov <ECF@wawd.uscourts.gov>
Sent: Wednesday, May 10, 2023 12:08 PM
To: ECF@wawd.uscourts.gov
Subject: [EXT] Activity in Case 2:23-mc-00037-JCC Wolfire Games LLC et al v. Valve Corporation et al Minute Order

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U.S. District Court

United States District Court for the Western District of Washington

Notice of Electronic Filing

The following transaction was entered on 5/10/2023 at 9:08 AM PDT and filed on 5/10/2023

Case Name: Wolfire Games LLC et al v. Valve Corporation et al

Case Number: [2:23-mc-00037-JCC](#)

Filer:

Document Number: 30(No document attached)

MINUTE ORDER (text only) made at the direction of U.S. District Judge John C. Coughenour:

The Court adopts the proposed briefing schedule for Nexon America Inc.'s motion to quash (Dkt No. [3]): Valve Corporation's Response is due May 23, 2023, and Nexon's Reply is due June 5, 2023. (KMP)

2:23-mc-00037-JCC Notice has been electronically mailed to:

Gavin William Skok gskok@foxrothschild.com, crbrooks@foxrothschild.com

2:23-mc-00037-JCC Notice will not be electronically mailed to: